

HOUSE BILL No. 1428

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30.

Synopsis: Ignition interlock devices. Provides that if a person has a previous conviction for operating while intoxicated and the court grants specialized driving privileges, the court shall order that the specialized driving privileges include the requirement that the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device.

Effective: July 1, 2015.

Wesco, DeVon

January 14, 2015, read first time and referred to Committee on Roads and Transportation.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1428

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-30-5-10, AS AMENDED BY P.L.217-2014,
2 SECTION 125, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) In addition to a criminal
4 penalty imposed for an offense under this chapter, IC 35-46-9, or
5 IC 14-15-8 (before its repeal), the court shall, after reviewing the
6 person's bureau driving record and other relevant evidence, recommend
7 the suspension of the person's driving privileges for the fixed period of
8 time specified under this section. The court may require that a period
9 of suspension recommended under this section be imposed, if
10 applicable, before a period of incarceration or after a period of
11 incarceration, or both before and after a period of incarceration, as long
12 as the suspension otherwise complies with the periods established in
13 this section.
14 (b) If the person (†) does not have a previous conviction of
15 operating a vehicle or a motorboat while intoxicated, ~~or (2) has a~~



1 previous conviction of operating a vehicle or a motorboat while
 2 intoxicated that occurred at least ten (10) years before the conviction
 3 under consideration by the court; the court may recommend the
 4 suspension of the person's driving privileges for not more than two (2)
 5 years.

6 (c) If the person has a previous conviction of operating a vehicle or
 7 a motorboat while intoxicated and the previous conviction occurred
 8 more than five (5) years but less than ten (10) years before the
 9 conviction under consideration by the court; the court may recommend
 10 the suspension of the person's driving privileges for not more than two
 11 (2) years. The court may stay the execution of part of the suspension
 12 and grant the person specialized driving privileges for a period of time
 13 equal to the length of the stay.

14 (d) (c) If the person has a previous conviction of operating a vehicle
 15 or a motorboat while intoxicated, and the previous conviction occurred
 16 less than five (5) years before the conviction under consideration by the
 17 court; the court may recommend the suspension of the person's driving
 18 privileges for not more than two (2) years. The court may stay the
 19 execution of part of the suspension and grant the person specialized
 20 driving privileges for a period of time equal to the length of the stay. If
 21 the court grants specialized driving privileges under this subsection, the
 22 court shall order that the specialized driving privileges include the
 23 requirement that the person may not operate a motor vehicle unless the
 24 motor vehicle is equipped with a functioning certified ignition interlock
 25 device under IC 9-30-8. However, the court may grant specialized
 26 driving privileges under this subsection without requiring the
 27 installation of an ignition interlock device if the person is successfully
 28 participating in a court supervised alcohol treatment program in which
 29 the person is taking disulfiram or a similar substance that the court
 30 determines is effective in treating alcohol abuse. The person granted
 31 specialized driving privileges under this subsection shall pay all costs
 32 associated with the installation of an ignition interlock device unless
 33 the sentencing court determines that the person is indigent.

34 (e) (d) If the conviction under consideration by the court is for an
 35 offense under:

- 36 (1) section 4 of this chapter;
- 37 (2) section 5 of this chapter;
- 38 (3) IC 14-15-8-8(b) (before its repeal);
- 39 (4) IC 14-15-8-8(c) (before its repeal);
- 40 (5) IC 35-46-9-6(b); or
- 41 (6) IC 35-46-9-6(c);

42 the court may recommend the suspension of the person's driving



1 privileges for not more than five (5) years.

2 ~~(f)~~ (e) If the conviction under consideration by the court is for an
3 offense involving the use of a controlled substance listed in schedule
4 I, II, III, IV, or V of IC 35-48-2, in which a vehicle was used in the
5 offense, the court shall recommend the suspension or revocation of the
6 person's driving privileges for at least six (6) months.

7 ~~(g)~~ (f) The bureau shall fix the period of suspension in accordance
8 with the recommendation of the court under this section and in
9 accordance with IC 9-30-6-9.

10 SECTION 2. IC 9-30-5-16, AS AMENDED BY P.L.113-2014,
11 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2015]: Sec. 16. (a) Except as provided in subsection (b) and
13 section 10 of this chapter, the court ~~may~~, **shall**, in granting specialized
14 driving privileges under this chapter, also order that the specialized
15 driving privileges include the requirement that a person may not
16 operate a motor vehicle unless the vehicle is equipped with a
17 functioning certified ignition interlock device under IC 9-30-8.

18 (b) A court may not order the installation of an ignition interlock
19 device on a vehicle operated by an employee to whom any of the
20 following apply:

- 21 (1) Has been convicted of violating section 1 or 2 of this chapter.
- 22 (2) Is employed as the operator of a vehicle owned, leased, or
23 provided by the employee's employer.
- 24 (3) Is subject to a labor agreement that prohibits an employee who
25 is convicted of an alcohol related offense from operating the
26 employer's vehicle.

27 SECTION 3. IC 9-30-8-1, AS AMENDED BY P.L.85-2013,
28 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2015]: Sec. 1. (a) If a court orders the installation of a
30 certified ignition interlock device on a motor vehicle that a person
31 whose license is restricted owns or expects to operate, except as
32 provided in subsection (b), the court shall set the time that the
33 installation must remain in effect. However, the term may not exceed
34 the maximum term of imprisonment the court could have imposed. The
35 person shall pay the cost of installation unless the sentencing court
36 determines that the person is indigent.

37 (b) If the court orders installation of a certified ignition interlock
38 device under ~~IC 9-30-5-10(d)~~, **IC 9-30-5-10**, the installation must
39 remain in effect for a period of six (6) months.

